IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21242 of 2004

Between:

1 Sri J.Krishnaiah, s/o Sri J.Chinna Kotaiah,
r/o Ward No.22, Kovvur Road, Kandukur, Prakasam District,
having temporarily come down to Hyderabad.
2 Sri J.Koteswar Rao, s/o Sri J.Chinna Kotaiah,
r/o Ward No.22, Kovvur Road, Kandukur, Prakasam District, having temporarily come down to Hyderabad.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Kandukur Mandal, Prakasam District.
2 The Revenue Divisional Officer, Kandukur, Prakasam district.
3 The Collector, Prakasam District.
4 Smt.Kapuluri Bharathi, w/o Chinna Brahmaiah,
22nd Ward, Near Lime Kiln, Kandukur, Prakasam District.
5 Smt.Kadem Kondamma, w/o Kondaiah,
22nd Ward, Near Lime Kiln, Kandukur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, direction or order more particularly one in the nature of writ of mandamus declaring the order passed by the 1st respondent in proceedings No.RC.HA/449/2004 dtd.10-11-2004 as the same is arbitrary, illegal and contrary to provisions of A.P. Assigned Lands (Prohibition & Transfer) Act 1977 and also violation of Article 14, 21 and 300A of Constitution of India.

Counsel for the Petitioners:MR.GUMMALA.VIJAYA KUMAR
Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

The Mandal Revenue Officer-first respondent herein through proceedings in Rc.HA/449/2004 dated 10.11.2004 passed an order stating that the petitioners purchased the assigned land in question unauthorisedly and in violation A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and constructed a commercial complex thereon and directed for resumption of possession of the same after due eviction of the petitioners. Further, the Mandal Revenue Inspector was also directed to take possession of the land in question along with the construction and erections thereon. Challenging the same, the present writ petition is filed.

As against the impugned order passed by the first respondent, statutory right of an appeal is provided under Section 4-A of the Act, which has to be filed within 90 days from the date of impugned order. In view of the same, the petitioner is at liberty to avail the statutory remedy of appeal by approaching the appellate authority. Until the statutory period of appeal is expired, the respondents shall not take coercive steps for resumption of possession of the property in question by making the appellate remedy nugatory.

With the above observations, the writ petition is disposed of. No costs.

_____

A. GOPAL REDDY. J.

19th November, 2004

Note: Issue operative portion by

Wire at party's costs.

(B/o)

tsr.

To

1 The Mandal Revenue Officer, Kandukur Mandal, Prakasam District.
2 The Revenue Divisional Officer, Kandukur, Prakasam district.
3 The Collector, Prakasam District.
4. Two C.C.s to Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad.(OUT)

5. Two C.D. copies.